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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,113	11/16/2000	STEPHEN JOHN RUIZ	004164.P004	4948

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EXAMINER

NGUYEN, XUAN LAN T

ART UNIT PAPER NUMBER

3613

DATE MAILED: 01/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application No.	Applicant(s)	
	09/716,113	RUIZ, STEPHEN JOHN	
	Examiner	Art Unit	
	Lan Nguyen	3613	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 4, 7-20, 24 and 27-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 21-23, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

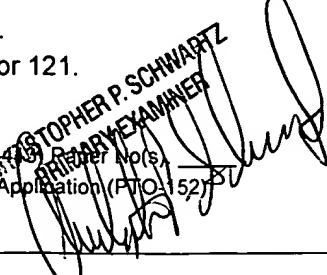
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER


DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of species A in Paper No. 3 is acknowledged. The traversal is on the ground(s) that the species are not very different from one another. This is not found persuasive because species are structurally different from one another as Applicant had stated in the argument; where species B comprises additional vanes, and species C comprises separate removable pieces.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. Applicant's argument about the drawing objection stated in paragraph 3 of the Office Action dated 11/08/01 has been found persuasive. The Examiner hereby withdraws said objection.

3. In page 2 of Applicant's Response dated 11/29/01, Applicant stated that proposed amendments to Figures 2 and 12 are included. However, said drawing amendments were not received. Applicant is required to re-submit said drawing amendments in response to this Office Action.

4. It is noted that Applicant did not respond to the drawing objection in paragraph 5 of the Office Action dated 11/29/01. Applicant is required to response to this drawing objection.

5. The drawings are further objected to because in figure 10, standoff vane 940 is illustrated with straight sides and square corners instead of Applicant's inventive curved sides and appropriate corners.
6. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5, 21-23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Topouzian et al.

Re: claim 1, Topouzian et al. show a mounting hat 14 for a brake rotor 12, as in the present invention, comprising: a lower section 14 coupled to an upper section 34, a plurality of aerodynamically shaped standoff vanes 46 each having a leading edge, a trailing edge, a top and a bottom coupled to the upper section as shown in figures 1 and 3; and a plurality of vents 66.

Re: claims 2 and 4, Topouzian shows in figure 1, the leading edge and the trailing edge of the plurality of standoff vanes are curved and are asymmetrical.

Re: claim 3, in figure 3, Topouzian shows the leading edge and the trailing edge of the plurality of aerodynamically shaped standoff vanes are one of stepped up and ramped up from the upper section 34 towards the top of the plurality of aerodynamically shaped standoff vanes.

Re: claim 21, Topouzian shows a brake rotor 12, a hub 14, standoff vanes 46 and vents 66 as discussed in the above claim 1 rejection.

Re: claims 22 and 25, Topouzian shows in figure 1, the leading edge and the trailing edge of the plurality of standoff vanes are curved and are asymmetrical.

Re: claim 23, in figure 3, Topouzian shows the leading edge and the trailing edge of the plurality of aerodynamically shaped standoff vanes are one of stepped up and ramped up from the upper section 34 towards the top of the plurality of aerodynamically shaped standoff vanes.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Topouzian et al. in view of Giorgetti et al.

Topouzian et al.'s mounting hat and a brake rotor, as discussed in claims 1 and 21 rejections above, lacks the feature of "standoff vanes is bored to accept one of a

drive pin, a bolt, and a lug." Giorgetti et al. show a mounting hat 10 where a standoff vane 14 is bored as shown in figure 2 to accept a lug 15. It would have been an obvious engineering choice to one of ordinary skill in the art at the time the invention was made to have included a mounting hat with a stand off vane which is bored to accept a lug as an alternative design of a two piece hub and rotor to a one-piece hub and rotor design of Topouzian et al. in order to provide the consumers with an alternative in the mounting hat products as taught by Giorgetti.

Response to Arguments

11. Applicant's arguments filed on 11/29/01 have been fully considered but they are not persuasive. Applicant argues that Topouúzian's extending end 46 can not be considered as a standoff vane as in Applicant's invention. It is true that Topouzian's extending end 46 looks different than Applicant's inventive vane. However, said end 46 does obstruct or standoff the air so that said air is directed into vent 66. Hence, Applicant's claim language in claim 1, as present, reads on Topouzian's extending ends 46. It is believed that Applicant would need to further specifying the structure of Applicant's inventive vanes in order to overcome Topouzian's disclosure. The rejection is still deemed proper and is repeated above.

12. The Examiner would like to request for further information on the submitted prior art of figures 2 and 12. If possible, please provide the exact documents where these figures were taken from. Or, perhaps, explanations of the sources where these figures were obtained. It would be of great assistance to the examination on the merits of this

case to also have a record of the dates of these submitted prior art, since these figures illustrate substantially the structures of the different species of the instant invention.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Schwartz can be reached on 703-308-0576. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

XLN

XLN
January 8, 2002

CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER
